



# Office of Campaign Finance Campaign Finance Guide

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# **Campaign Finance Guide**

## **Introduction**

This Guide is a summary of the many regulations, procedures, and guidelines which govern the registration and reporting requirements of candidates, political committees, public officials, and lobbyists in the District of Columbia. All registration and reporting requirements have been identified. The Office of Campaign Finance provides detailed information kits for each interest group, that contain the necessary forms and specific regulations and procedures for correct filing and registration.

We hope this Guide will be informative and provide the guidance needed for access to the financial accountability and disclosure process in the District of Columbia. For more detailed information and analysis, you should contact the Office of Campaign Finance.

The Office of Campaign Finance phone numbers are 671-0550 or 671-0547. You may visit us at our website at [www.ocf.dc.gov](http://www.ocf.dc.gov).

- About the Act
- About the Office of Campaign Finance
- About the DC Board of Elections and Ethics
- About Online Filing of Reports

## **About the Act**

The DC Campaign Finance Reform and Conflict of Interest Act of 1974, as amended, DC Official Code, Sections 1-1101.01 et seq., 88 Stat. 447, Public Law 93-376, (hereinafter the “Campaign Finance Act”) was enacted by Congress on August 14, 1974, to provide a means of monitoring and enforcing campaign finance and the financial disclosures of local elected officials, candidates, political committees, and lobbyists in the District of Columbia. The primary goal of this legislation is to require that local candidates seeking election, lobbyists, public officials and treasurers of political committees, citizen-service programs and statehood fund programs make complete and full disclosures. Various provisions of the Campaign Finance Act are clarified by regulations promulgated by the Office of Campaign Finance (OCF) with the approval of the Board of Elections and Ethics. OCF regulations are cited under Chapters 30 through 37 of Title III, “Elections and Ethics”, of the DC Municipal Regulations.

## **About the Office of Campaign Finance**

The DC Office of Campaign Finance is established within the DC Board of Elections and Ethics to administer and enforce District laws pertaining to Campaign Finance, Lobbying, Conflict of Interest and Financial Disclosure of Public Officials.

The primary objective of the OCF is to obtain voluntary compliance with the Campaign Finance Act. To achieve this goal, the Office has several major priorities which include providing an aggressive public information and education service for persons subject to the

Act, thereby increasing OCF's public disclosure capabilities. The Director of Campaign Finance is committed to an aggressive outreach program to educate, and to provide information to candidates, committees, lobbyists, financial disclosure filers, and the public.

The Office of Campaign Finance is organized into three major divisions which operate under the direction of the Office of the Director: the Public Information and Records Management Division (PIRM); the Reports Analysis and Audit Division (RAAD); and the Office of the General Counsel (OGC). Each OCF component is organized to support, service, and develop an effective financial reporting and disclosure program for the District of Columbia.

### **About the DC Board of Elections & Ethics**

The DC Board of Elections & Ethics (BOEE) is the independent agency of the District Government responsible for the administration of elections, ballot access and voter registration in the District of Columbia. The BOEE consists of three active Board members, an Executive Director, a General Counsel and a number of support staff who run the day-to-day operations of the Agency.

### **About Online Filing of Reports**

The Office of Campaign Finance has developed a web-based Online Filing System for use by constituents and the public. This system supports the filing of required financial reports by candidates and political committees, lobbyists, disclosure of personal interests of public officials, citizen-service programs, and Senator and Representative Statehood Funds.

Reports available for online filing:

- Report of Receipts and Expenditures (Candidates & Political Committees)
- Lobbyist Activity Report
- Financial Disclosure Statement
- Report of Receipts and Expenditures for Citizen-Service Programs

# **Campaign Finance Guide**

## **Section 1: Candidates**

- Definition of Candidate
- Candidate Registration Requirements
- Candidate Reporting Requirements
- Candidate Waiver of the Reporting Requirements
- Things to Remember

### **Who is a candidate?**

(DC Official Code § 1-1101.01(2))

A candidate is an individual who seeks nomination for election, or election to office, in the District of Columbia, whether or not such individual is elected. You will be considered a candidate seeking nomination for election, or re-election, if you have:

- Obtained, or authorized any other person to obtain, nominating petitions to qualify for nomination for election to office
- Received contributions or made expenditures, or given your consent for any other person to receive contributions or make expenditures, with a view to bring about your nomination for election to office
- Failed to disavow in writing to the OCF any of the above conduct by any other person on your behalf, within ten (10) days after receiving written notification by the Director of such activity.

### **Candidate Registration Requirements**

(DC Official Code § 1-1102.05)

You must file a Statement of Candidacy form with the Office of Campaign Finance within five days of becoming a candidate or from the date you receive a contribution, make an expenditure, obtain nominating petitions, or authorize anyone to do any of the above on your behalf, whichever occurs first. Candidates for the Office of Advisory Neighborhood Commission member are excluded from this requirement.

### **Candidate Reporting Requirements**

(DC Official Code §§ 1-1102.06, 1-1102.09 and 1-1106.02)

Campaign finance Reports of Receipts and Expenditures are required to be filed by all candidates who have not been granted a waiver by the Director of Campaign Finance. Candidates, who anticipate spending less than \$500.00 in any one election and have not designated a principal campaign committee, may be exempted from the filing and reporting requirements of the Campaign Finance Act. To invoke the exemption, a candidate must certify on the Statement of Candidacy form that the candidate anticipates spending less

than \$500.00 in any one election and will not designate a Principal Campaign Committee.

The candidate must also certify (by filing a Report of Exemption for a Candidate Spending Less than \$500 form) on the 15th day prior to the election and on the 30th day following the date of the election that the candidate has not spent in excess of \$500.00 for purposes of seeking election to office.

Each candidate must file a personal Financial Disclosure Statement with the Director of Campaign Finance within 30 days of becoming a candidate.

Advisory Neighborhood Commission (ANC) candidates are not required to file Reports of Receipts and Expenditures or financial disclosure statements. Each ANC candidate must file a Summary Financial Report no later than thirty (30) days after the election in which the candidate sought office.

### **Candidate Waiver of the Reporting Requirements** (DC Official Code § 1-1102.09)

As a candidate, you may request a waiver of the reporting requirements on a Request for a Candidate Waiver form filed with the Director of Campaign Finance. This waiver request, if granted by the Director, will exempt the candidate from filing separate Reports of Receipts and Expenditures provided the candidate surrenders all contributions to the principal campaign committee Treasurer without any expenditures or co-mingling of contributions with personal funds. All funds must be surrendered to the principal campaign committee within five (5) days of receipt. Otherwise, a candidate must file a separate candidate Report of Receipts and Expenditures.

### **Things to Remember**

- An individual must file a Statement of Candidacy as a candidate within five (5) days of receiving or making a campaign contribution or expenditure; obtaining nominating petitions; authorizing any other person to perform the aforementioned acts; or failing to disavow such acts by any other person on the individual's behalf in writing within ten (10) days following notification by the Director.
- All candidates must file Reports of Receipts and Expenditures unless otherwise exempted as a candidate who spends less than \$500.00 and does not designate a principal campaign committee; or filing is waived to the candidate's designated principal campaign committee and treasurer.
- All candidates must file a personal Financial Disclosure Statement within 30 days of becoming a candidate. Each ANC candidate must file a Summary Financial Report no later than thirty (30) days after the election in which the candidate sought office.

## **Campaign Finance Guide**

### **Section 2: Principal Campaign Committees**

- Definition of Principal Campaign Committee
- PCC Registration Requirements
- PCC Reporting Requirements
- Things to Remember

#### **What are Principal Campaign Committees?**

(DC Official Code § 1-1102.02)

Principal Campaign Committees are political committees designated and authorized by a candidate to support the candidate for election under the Act. Each candidate must designate in writing, on the Statement of Candidacy form, only one (1) principal campaign committee. The principal campaign committee is required to file all Reports of Receipts and Expenditures with the Office of Campaign Finance on behalf of that candidate and any other political committees authorized by the candidate.

#### **Registration Requirements for Principal Campaign Committees**

(DC Official Code § 1-1102.04)

Each principal campaign committee must file a Statement of Organization with the Office of Campaign Finance within 10 days of designation by a candidate on the Statement of Candidacy form. A principal campaign committee must have a chairperson, treasurer, and one or more campaign depositories located in a national bank in the District of Columbia.

#### **Reporting Requirements for Principal Campaign Committees**

(DC Official Code § 1-1102.06)

The treasurer of a principal campaign committee must file a Report of Receipts and Expenditures on January 31st and the 10th day of March, June, August, October and December during the year an election is held for the office its candidate is seeking, and on the 8th day preceding the date of the election. Non-election year reports are due on the 31st day of January and July of each year, and continuous reporting is required until all debts and obligations of the Committee have been satisfied. The obligation to file reports continues until the treasurer files a final report, notwithstanding the outcome of an election. A Report of Receipts and Expenditures may be filed electronically. However, the original report, verified by the treasurer, is also filed within 5 days of the filing deadline.

#### **Things to Remember**

- A Principal Campaign Committee must file a Statement of Organization within 10 days of designation by a candidate on the Statement of Candidacy form.
- A Principal Campaign Committee must have a chairperson, treasurer, and one or more campaign depositories in a national bank located in the District of Columbia.

## **Campaign Finance Guide**

### **Section 3: Political Committees**

- Definition of Political Committee
- Political Committee Registration Requirements
- Political Committee Reporting Requirements
- What are Surplus Funds?
- What is Notice of Non-Support?
- Things to Remember

#### **What is a Political Committee?**

(DC Official Code § 1-1101.01(5))

A political committee is a proposer, individual, committee (including a principal campaign committee), club, association, organization or other group of individuals organized for the purpose of, or engaged in, promoting or opposing a political party, the nomination or election of an individual to office, or any initiative, referendum or recall.

A political committee is either an authorized or an unauthorized committee. An authorized committee means the principal campaign committee or any other political committee is authorized and designated by a candidate on the Statement of Candidacy form to receive contributions or make expenditures on behalf of such candidate. An unauthorized committee is any other political committee, which has not been designated by a candidate.

#### **Political Committee Registration Requirements**

(DC Official Code § 1-1102.04)

All political committees, authorized or unauthorized, including campaign committees, independent or political action committees, and initiative, referendum or recall committees, must register with the Office of Campaign Finance and file a Statement of Organization form within ten (10) days of organization or designation by a candidate on the Statement of Candidacy form. A political committee must have a treasurer and a chairperson.

#### **Political Committee Reporting Requirements**

(DC Official Code § 1-1102.06)

The treasurer of each political committee must file a Report of Receipts and Expenditures on January 31st, and the 10th day of March, June, August, October, December, and 8 days preceding the date of each election, if the political committee is actively supporting candidates during the year in which an election is held. Political committees not supporting candidates during a year, in which an election is held must file a Notification of Non-Support form with the Office of Campaign Finance on or before January 31st of the year in which an election is held. Reports must be filed by January 31st and July 31st from political committees filing Notifications of Non-Support and by all other political committees during a



non-election year.

### **Surplus Funds**

(DC Official Code § 1-1107.02)

An individual, who seeks nomination for election, or election to office, is required to dispose of any surplus, residual, or unexpended campaign funds. Surplus funds must be contributed to a political party for political purposes; used to retire the proper debts of the political committee which received the funds; or returned to the donors within six months following the election, in the case of an individual elected to office or defeated in an election; or within six months after an individual, ceasing to be a candidate, terminates his/her candidacy. Under certain circumstances, surplus funds may be donated to a charitable organization or a citizen-service fund.

### **Notice of Non-Support**

By January 31st of each year, political committees that do not intend to support candidates during an election year must file Notifications of Non-Support. Political committees that file notices of non-support are also required to file a January 31st year-end and July 31st mid-year Report of Receipts and Expenditures as required by DC Official Code, Section 1-1102.06(a). A political committee must inform the Director of OCF in writing, within ten (10) days, of a change in the committee's intention to not support a candidate during an election year. The political committee will then be required to file a Report of Receipts and Expenditures according to the mandated due dates.

### **Things to Remember**

- All political committees must register with the Office of Campaign Finance and file a Statement of Organization within ten (10) days of organization or designation by a candidate.
- All political committees must file Reports of Receipts and Expenditures.
- Surplus funds must be disposed of within certain prescribed time frames.

## **Campaign Finance Guide**

### **Section 4: Contributions**

- What is a Contribution?
- Contribution Limits
- Candidate's Contributions to Their Own Campaign
- Rules Concerning Contributions Made by Partnerships
- Corporate Contributions
- Itemized and Unitemized Contributions
- Things to Remember

#### **What is a Contribution?**

(DC Official Code § 1-1101.01(6)(A))

A contribution is any gift or transfer of money, goods or services, a subscription (including any assessment, fee, or membership dues), loan (except a loan made in the regular course of business by a business engaged in the business of making loans), or anything of value, made for the purpose of financing, directly or indirectly, the election campaign of a candidate or any operations of a political committee involved in such a campaign, to obtain signatures on any initiative, referendum or recall measure, or to bring about the ratification or defeat of any initiative, referendum, or recall measure.

#### **Contribution Limits**

(DC Official Code §§ 1-1131.01 and 1-135)

Individuals, partnerships, committees, corporations, and labor organizations may make contributions in support of or in opposition to candidates for nomination or election to office.

Contributors must be knowledgeable of the limits imposed by the Act on contributions. Contributions made to support or oppose initiative or referendum measures, are unaffected by the limits. Political committees are limited to contributions of \$5,000.00 from any one source in any one election (including primary and general elections, but excluding special elections). Notwithstanding the foregoing, contributions to a candidate's principal campaign committee are treated as contributions to the candidate and subject to the individual candidate contribution limitations.

No person may contribute to the support of an individual's campaign for nomination as a candidate or election to public office, including both the primary and general elections or special elections, amounts exceeding:

- \$2,000 for Mayor, Shadow Senator and Shadow Representative
- \$1,500 for Chairman of the Council
- \$1,000 for an At-Large Council member
- \$500 for President of the Board of Education, At-Large Member, Board of Education, or for a Ward Council member

- \$300 for a member of the Board of Education elected from a school district or for an official of a political party
- \$25 for a member of an Advisory Neighborhood Commission
- Unlimited for the purposes of contributions made to support or oppose initiative or referendum measures.

No person may make contributions in any one election, for the Mayor, Shadow Senator or Shadow Representative, the Chairman of the Council, any member of the Council and each member of the Board of Education (including primary and general elections, but excluding special elections) which, when totaled with all other contributions made by that person in that election to candidates and political committees, exceeds the total sum of \$8500.00.

### **Candidate's Contributions to Their Own Campaign**

There are no limits to what candidates can contribute financially to their own campaigns as long as candidates use their own money, and report the contributions made from personal funds.

### **Rules Concerning Contributions Made by Partnerships**

(DC Official Code § 1-1131.02)

All contributions made by partnerships must be attributed to both the partnership and to each partner, on the Report of Receipts and Expenditures. A partner's contribution must be attributed as follows:

- (1) In direct proportion to the partner's share of the partnership profits, according to instructions which must be provided by the partnership to the political committee or candidate; or
- (2) By agreement of the partners, as long as only the profits of the partners to whom the contributions are attributed are reduced (or losses increased) in proportion to the contribution attributed to each of them. Contributions by a partnership or by a partner may not exceed the limitations on contributions as prescribed by DC Official Code, Section 1-1131.02. No portion of such contribution may be made from the profits of a corporation that is a partner.

### **Corporate Contributions**

(DC Official Code § 1-1101.01(8))

Contributions from corporations to political campaigns are allowed in the District of Columbia. However, a corporation, its subsidiaries, and all political committees established, financed, maintained or controlled by the corporation and its subsidiaries share a single contribution limitation for purposes of the contribution limits imposed by DC Official Code § 1-1131.01.

### **In-Kind Contributions**

(DC Official Code § 1-1101.01(6)(A)(iv))

A contribution of goods, services or property offered free or at less than the usual and normal charge, or payments by a third party for goods and services are in-kind contributions. In-kind contributions must be valued at the current local fair Market Value at the time of the contribution. In-kind contributions (i.e., goods and services provided to a political committee or candidate) are treated as any other contribution and are subject to contribution limits. In-kind contributions must be reported and itemized under the appropriate category of receipts.

### **Itemized and Unitemized Contributions**

(DC Official Code §§ 1-1102.01 and 1-1102.06)

Contributions of each person who has made one (1) or more contributions in the aggregate of \$50.00 or more to a political committee or candidate within a calendar year must be itemized on a Report of Receipts and Expenditures. In addition, the total sum of individual contributions of less than \$50.00 made during a reporting period must be reported on a Report of Receipts and Expenditures.

### **Things to Remember**

- The Campaign Finance Act imposes limits on contributions made in support of candidates for nomination or election to office, and to political committees.
- Contributions made to support or oppose initiative or referendum measures are unaffected by the limits.
- Corporations may make political contributions in the District of Columbia.

# Campaign Finance Guide

## Section 5: Expenditures

- Definition of Expenditures
- Expenditure Limitations
- Itemizing Expenditures
- Independent Expenditures
- Reporting Requirements for Expenditures
- Things to Remember

### What is an Expenditure?

(DC Official Code § 1-1101.01(7)(A)-(C))

An expenditure includes a purchase, payment, distribution, loan advance, deposit, gift of money or anything of value made for the purpose of financing, directly or indirectly, the election campaign of a candidate or any operations of a political committee involved in such a campaign; or any operations of a political committee involved in a campaign to obtain signatures on any initiative, referendum, or recall petition, or to bring about the ratification or defeat of any initiative, referendum, or recall measure; a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure; and a transfer of funds between political committees.

An expenditure does not include incidental expenses incurred by, or made on behalf of, individuals in the course of volunteering their time on behalf of a candidate or political committee; or the use of real or personal property and the cost of any food or beverage voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for candidate-related activities if the cumulative value of such activities does not exceed \$500 with respect to any election.

### Expenditure Limitations

(DC Official Code §§ 1-1102.01, 1-1102.03 and 1-1106.51(a))

There are no monetary limitations placed on expenditures. No expenditure may be made by or on behalf of, a political committee at a time when there is a vacancy in the office of treasurer, and no other person has been designated and has agreed to perform the functions of treasurer. All committees must file a Statement of Organization designating a treasurer. No expenditure may be made for, or on behalf of, a political committee without the authorization of its chairman or treasurer, or their designated agents. No expenditure may be made by a committee or candidate, other than petty cash expenditures, except by check drawn payable to the person to whom the expenditure is being made, and on an account designated in the required Statement of Organization.

No resources of the District of Columbia government, including the expenditure of funds, the personal services of employees during work hours, and non-personal services, including supplies, materials, equipment, office space, facilities, telephones and other

utilities, may be used to support or oppose any candidate for elected office.

### **Itemizing Expenditures**

(DC Official Code §§ 1-1102.01 and 1-1102.06)

Expenditures must be disclosed and identified on Schedule B of the Report of Receipts and Expenditures. The report must include the full name, mailing address, occupation and principal place of business, if any, of each person to whom expenditures have been made, either by or on the behalf of the committee or candidate, within the calendar year, in an aggregate amount or value of \$10 or more. The report must also detail the amount, date, and purpose of each such expenditure, and the name, address and office sought by each candidate on whose behalf such expenditure was made; the total sum of expenditures made by the committee or candidate during the calendar year; the amount and nature of debts and obligations owed by or to the committee; and a continuous reporting of its debts and obligations.

### **Independent Expenditures**

(DC Official Code § 1-1131.01(f))

An “independent expenditure” is an expenditure for a communication by a person expressly advocating the election or defeat of a clearly identified candidate, which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate.

### **Reporting Requirements for Independent Expenditures**

(DC Official Code § 1-1102.07)

Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount of \$50.00 or more within a calendar year must file with the Director Reports of Receipts and Expenditures on the date on which reports by political committees are filed, but the report(s) need not be cumulative.

### **Things to Remember**

- There are no monetary limitations placed on expenditures.
- Expenditures may not be made when there is a vacancy in the Office of Treasurer, and must be authorized by either the Treasurer or Chairman.
- Independent Expenditures in the amount of \$50.00 or more must be reported.
- No District government resources may be used to support or oppose any candidate for elective office including the expenditure of funds, personal services of employees during work hours, and non-personal services including supplies, materials, equipment, office space, facilities, telephones and other utilities.

# **Campaign Finance Guide**

## **Section 6: Draft and Exploratory Committees**

- Definition of Draft and Exploratory Committees
- Reporting Requirements for Expenditures
- Draft and Exploratory Committee Contribution Limits
- Things to Remember

### **What are Draft and Exploratory Committees?**

(DC Official Code § 1-1101.01(6)(B)(vi))

Exploratory, draft or “testing the waters” committees are formed solely for the purpose of determining the feasibility of an individual’s candidacy for office. The activities of exploratory committees may include polling, travel, and telephone calls to determine whether the individual should become a candidate.

### **Reporting Requirements for Draft and Exploratory Committees**

Exploratory, draft or “testing the waters” committees are not required to register and file reports while their activities are limited to determining the feasibility of an individual’s candidacy for office. It is imperative, however, that exploratory and draft committees maintain a strict account of all financial transactions and records, particularly if the individual becomes a candidate and designates the draft or exploratory committee as a Principal Campaign Committee. Upon designation of a draft, exploratory or “testing the waters” committee as a Principal Campaign Committee, all contributions previously received by the draft committee, as well as those received by or on behalf of the candidate before designation, must be reviewed by the committee to determine whether persons making those contributions may have exceeded their relevant limits under DC Official Code Section 1-1131.01. Refunds must be promptly made to donors who have exceeded the contribution limits.

### **Draft and Exploratory Committee Contribution Limits**

Draft or exploratory committees are not subject to the contribution limits since they are established for the sole purpose of determining the feasibility of an individual’s candidacy and not to advocate a candidate’s election to office.

### **Things to Remember**

- Exploratory, draft or “testing the waters” committees are not subject to the registration and reporting requirements of the Campaign Finance Act where formed for the sole purpose of determining the feasibility of an individual’s candidacy for office.
- If designated by a candidate as a Principal Campaign Committee, a draft committee must review all previously received contributions to determine

whether contribution limitations have been exceeded, and if so, refunds must be made immediately.



## **Campaign Finance Guide**

### **Section 7: Initiative, Referendum, Recall and Proposed Charter Amendment Committees**

- Definition of Initiative, Referendum, Recall and Proposed Charter Amendment Committees
- Registration and Reporting Requirements for Initiative, Referendum, Recall Committees
- Filing Deadlines
- Things to Remember

#### **What are Initiative, Referendum, Recall and Proposed Charter Amendment Committees?**

(DC Official Code § 1-1101.01(5))

Initiative, Referendum, Recall and Proposed Charter Amendment Committees are committees organized for the purpose of, or engaged in, promoting or opposing initiative, referendum or recall measures or proposed charter amendments for ballot placement.

#### **Registration and Reporting Requirements**

(DC Official Code § 1-1102.06)

The proposer of an initiative or referendum measure or any political committee organized in support of a measure is required to file a Verified Statement of Contributions with the Office of Campaign Finance on or before the submission of the measure for filing. The Verified Statement of Contributions consists of the Statement of Organization and an initial Report of Receipts and Expenditures. The Board of Elections and Ethics (BOEE) must reject any proposed initiative or referendum measure for filing if the Statement of Organization and Report of Receipts and Expenditures have not been filed with the Office of Campaign Finance. The proposer of a recall measure must file a Verified Statement of Contributions with the Office of Campaign Finance prior to the submission of a petition supporting the measure for filing.

Each committee supporting or opposing an initiative, referendum, recall or proposed charter amendment must file a Report of Receipts and Expenditures during the consideration of the respective measure for ballot placement for any one election.

#### **Filing Deadlines**

(DC Official Code § 1-1102.06(d))

Each committee supporting an initiative, referendum, recall or proposed charter amendment must file the initial Report of Receipts and Expenditures on or before the commencement of the process to qualify the measure for ballot placement. In the case of an opponent, the first Report of Receipts and Expenditures must be filed ten (10) days after making an expenditure or accepting a contribution in opposition to the measure. Thereafter, each committee supporting or opposing an initiative, referendum, recall or

proposed charter amendment measure must file Reports of Receipts and Expenditures as follows: the tenth (10th) day of the fourth (4th) month preceding the election; on the tenth (10th) day of the second (2nd) month preceding the election; and eight (8) days prior to the election.

Initiative, referendum and recall committees must continue to file Reports of Receipts and Expenditures following the election, on January 31st and July 31st of each year until all debts are satisfied.

### **Things to Remember**

- A Verified Statement of Contributions must be filed with the Office of Campaign Finance by the proposer or any political committee organized in support of an initiative or referendum measure on or before submission of the measure for filing.
- A Verified Statement of Contributions for a recall measure must be filed prior to the submission of a petition supporting the measure for filing.
- Reports of Receipts and Expenditures must be filed periodically during the consideration of a measure for ballot placement for any one election.
- Filing of Reports of Receipts and Expenditures continues until all outstanding debts are satisfied.

## **Campaign Finance Guide**

### **Section 8: Citizen-Service Programs**

- Definition of Citizen-Service Programs
- Registration Requirements
- Reporting Requirements
- Contribution Limits
- Things to Remember

#### **What are Citizen-Service Programs?**

(DC Official Code § 1-1104.03)

A “citizen-service program” is any activity or program, established by the Mayor, the Chairman of the Council and each member of the Council, or any Representative or Senator of the District of Columbia for the purpose of providing services to the residents of the District of Columbia. A citizen-service program may not be used at any time for political purposes.

#### **Registration Requirements**

Each elected official authorized by DC Official Code Section 1-1104.03 to establish a citizen-service program must file a Statement of Organization with the Director within ten (10) days after establishing the program.

#### **Reporting Requirements**

(DC Official Code § 1-1104.03(a))

Citizen-service programs must file Reports of Receipts and Expenditures quarterly on the first day of January, April, July and October of each year.

#### **Contribution Limits**

(DC Official Code §§ 1-1104.03(a) and 1-135)

No person may contribute more than \$400.00 in cash, or more than \$1,000.00 in personal property to a citizen-service program in any one calendar year. A citizen-service program may accept an aggregate total of \$40,000.00 in contributions, and may expend a maximum of \$40,000.00 in any one (1) calendar year for such programs. Contributions by the Mayor, Chairman of the Council, members of the Council, and the Representative or Senator of the District of Columbia to their own citizen-service program are not limited.

#### **Things to Remember**

- Citizen-service programs may be established by the Mayor, the Chairman of the Council, each member of the Council, and the Representative or Senator of the District of Columbia for the purpose of providing services to the citizens of the District of Columbia.

- There are monetary limitations on amounts of contributions received and expenditures made by citizen-service programs in any one (1) calendar year.
- Citizen-service programs must file quarterly Reports of Receipts and Expenditures each year.
- A transfer-in of surplus campaign funds to a citizen-service program is permissible, and may occur in more than one (1) transaction.

# **Campaign Finance Guide**

## **Section 9: Identification of Campaign Literature**

- Definition of Campaign Literature
- Identification of Campaign Literature
- Things to Remember

### **What is Campaign Literature?**

(DC Official Code § 1-1102.10)

Campaign literature is defined as any printed matter distributed with the intent to support or oppose candidates, initiatives, referenda, or recall measures and includes:

- Newspaper or Magazine Advertising
- Posters
- Circulars
- Billboards
- Handbills
- Buttons
- Bumper Stickers
- Sample Ballots
- Initiative, Referendum or Recall Petitions
- Stuffed Animals
- Match Covers
- Key Chains

### **Identification of Campaign Literature**

(DC Official Code §§ 1-1102.01(e) and 1-1102.10)

All campaign literature and advertisements soliciting funds must reference on the face or front page of the materials that “a copy of our report is filed with the Director of Campaign Finance.”

Campaign literature must be identified by the words “paid for by” followed by the name and address of the payer or the committee or other person and its treasurer on whose behalf the materials appear.

### **Things to Remember**

- All campaign literature and advertisements must be properly identified.

## **Campaign Finance Guide**

### **Section 10: Financial Disclosure Statements**

- Definition of a Financial Disclosure Statement
- Public Officials and Candidates File Financial Disclosure Statements
- Filing Financial Disclosure Statements
- Things to Remember

#### **What is a Financial Disclosure Statement?**

(DC Official Code § 1-1106.02)

A Financial Disclosure Statement is the annual listing of financial transactions for the prior calendar year, unless the form is submitted as an amendment. The form addresses the following:

- **Business Transactions:** This consists of business entities transacting any business with the District of Columbia in which the public official (or spouse for jointly titled property) has a beneficial interest valued in excess of \$1,000.00, or serves as an officer, director, partner, employee, contractor, consultant or in any other capacity. Business entities include sole proprietorships, partnerships and corporations.
- **Business Interest:** Any business interest held by the public official (or spouse for jointly held property) in business entities transacting any business with the District of Columbia Government consisting of corporate stock, registered and traded on a national exchange, is listed only if the total value exceeds \$5,000.00.
- **Liabilities:** Each outstanding liability borrowed by the public official (or spouse if a joint liability) exceeding \$1,000.00 which is not a loan from a federal or state insured or regulated financial institution, immediate family member, or revolving credit or installment account.
- **Real Property:** All real property located in the District of Columbia (other than the personal residence actually occupied by the public official or spouse) that the public official or spouse (where jointly titled) holds an interest that has a fair market value in excess of \$5,000.00.
- **Licenses:** Each professional or occupational license issued by the District of Columbia Government.
- **Gifts:** All gifts received in excess of \$100.00 in a calendar year from any business entity transacting business with the District of Columbia Government.

## **Public Officials and Candidates File Financial Disclosure Statements**

(DC Code § 1-1106.02(a))

The Mayor of the District of Columbia, the Chairman and each member of the Council of the District of Columbia, the President and each member of the Board of Education, a candidate for nomination for election to public office, (except candidates for members of Advisory Neighborhood Commissions), persons serving as subordinate agency heads or in positions designated within the Excepted Service (regardless of date of appointment) or Legal Service and paid at a rate of DS-13 or above, or in the Management Supervisory Service and paid at a rate of MS-13 or above, and certain members of District of Columbia Boards and Commissions, as enumerated in the Campaign Finance Act or otherwise designated must each file a Financial Disclosure Statement.

## **Filing of Financial Disclosure Statements**

(DC Code § 1-1106.02(a))

All candidates for public office shall file a Financial Disclosure Statement within one (1) month after becoming a candidate for such office. Public officials, employees, and members of Boards and Commissions must file Financial Disclosure Statements within 30 days of any change in information in reports previously filed, not later than May 15th of each year, and within 90 days after departure from the position held as a public official.

## **Things to Remember**

- Financial Disclosure Statements must be filed not later than May 15th of each year with the Office of Campaign Finance.

# **Campaign Finance Guide**

## **Section 11: Public Officials and Conflict of Interest**

- Who is a Public Official?
- Conflict of Interest Defined
- Prohibited Activities
- Conflict of Interest Procedures for Public Officials Other than Chairpersons
- Conflict of Interest Procedures for Chairpersons
- Failure to Disclose Conflicts of Interest
- Investigation of Conflicts of Interest
- Things to Remember

### **Who is a Public Official?**

(DC Official Code §§ 1-1106.01(i)(1) and 1-1106.02)

A public official is any person required to file a Financial Disclosure Statement, unless otherwise indicated. This applies to subordinate agency heads, individuals in the Excepted Service or Legal Service and paid at a rate of DS-13 or above, individuals in the Management Supervisory Service and paid at a rate of MS-13 or above, statutory office holders, elected officials, political appointees, members of Boards and Commissions, as well as those persons registered as candidates with the Office of Campaign Finance. Although members of Advisory Neighborhood Commissions are not required to file Financial Disclosure Statements, Commission members are subject to the Conflict of Interest statute.

### **Conflict of Interest Defined**

(DC Code §§ 1-1106.01(b)-(f))

A conflict of interest exists when any public official in the discharge of official duties is required to take an action or make a decision that would affect directly or indirectly a member of their household (immediate family members), or a business with which the public official or a member of his or her household is associated.

### **Prohibited Activities**

(DC Official Code §§ 1-1106.01(b)–(h-1)(2) and 1-1106.51)

Under the law, public officials may not:

- Use their official position or public office to obtain private financial gain for the public official or any member of their household, or any business with which the public official or any member of their household is associated.
- Solicit or accept money, gifts or anything of value to influence a governmental decision, or where it could be inferred that the thing of value would influence the government decision.
- Solicit or receive any money, in addition to that lawfully received, for advice



or assistance given in the performance of the public official's governmental duties.

- Serve on a committee whose jurisdiction consists of matters in which the official, a family member, or business with which the public official or a member of the public official's household is associated, has a financial interest greater than \$1,000.00. (This applies to members and employees of the City Council and Board of Education).
- Influence or participate in the decision-making process on matters where any conflict of interest can or does exist.
- Represent another person before any regulatory agency or Court of the District of Columbia while serving as Mayor, Senator or Representative of the District of Columbia, or City Councilmember. This does not apply to any appearance in an official capacity. Nor does it apply to the appearance by a Councilmember (except the Chairman), licensed to practice law in the District of Columbia, before any court or non-District of Columbia regulatory agency in any matter, which does not affect their official position.
- Serve as a member of a board or commission and be eligible for appointment by members of that board or commission to any paid office or position under the supervision of that board or commission.
- Appoint a former member of a board or commission to any paid office or position under the supervision of the board or commission on which he or she served, unless 45 days has passed since the date of termination of his or her service as a member of the board or commission. She or he is required to follow the same employment application requirements, required of other applicants for the paid office or position.
- Usage of District of Columbia government resources, including budget authority, personal services of employees during their hours of work, and non-personal services such as supplies, materials, equipment, office space, telephones to support or oppose any candidate for elected office or to support or oppose any initiative, referendum, or recall measure in the District of Columbia.

### **Conflict of Interest Procedures for Public Officials Other than Chairpersons** (DC Code § 1-1106.01(g))

If a public official has a conflict or potential conflict of interest, the public official should prepare a written statement describing the following:

- The matter requiring action or decision
- The nature of the potential conflict of interest with respect to the action or decision

A copy of the prepared statement should be delivered to the Director of Campaign Finance and to the Board of Elections and Ethics. A copy should also be delivered to the public official's immediate superior. The superior of the public official must take the following steps:

- Cause the statement to be printed in the record of proceedings of the body of which the person is a member or employee
- Upon request of the member, excuse the member from votes, deliberations, and other actions on the matter on which a conflict or potential conflict exists

After receipt of a statement of a conflict or potential conflict of interest, the immediate superior of the public official (except if the Mayor or a Councilmember) will reassign the matter to another employee who is not subordinate to the relieved employee, and who does not have a potential conflict of interest.

### **Conflict of Interest Procedures for Chairpersons** (DC Code § 1-1106.01(g)(4))

Procedures vary for handling conflicts of interest for the Chairperson of the Council, President of the Board of Education, or Chairperson of any District Board or Commission. The chairperson or president is still required to file a written statement describing the nature of the matter requiring action or decision on the potential conflict of interest.

The written statement should include the following:

- The matter requiring action or decision
- The nature of the potential conflict of interest with respect to such action or decision

The chairperson will deliver a copy of the statement to the chairperson pro tempore, or the vice-chairperson of the Council, or Board or Commission of which he or she is the chairperson. After the statement has been received, the chairperson pro tempore or the vice chairperson will:

- Cause the statement to be printed in the record of proceedings of the body of which the person is a member
- Excuse the chairperson from votes, deliberations, and other action on the matter on which a potential conflict exists, upon his or her request

### **Failure to Disclose Conflicts of Interest** (DC Code § 1-1103.02(c))

In the event a public official fails to excuse himself or herself as required under the Campaign Finance Act, and has voted, deliberated or taken other action on a matter in which a conflict or potential conflict of interest exists, the Director of Campaign Finance, or the Board of Elections and Ethics, will issue a complaint of Conflict of Interest. After a presentation by the Director, a public hearing may result. If the Board makes a finding of an apparent violation of the conflict of interest provisions of the Campaign Finance Act, the Board will refer the matter to the United States Attorney for the District of Columbia for

prosecution and civil action relating to the enforcement of the conflict of interest provisions.

### **Investigation of Conflicts of Interest**

(DC Code § 1-1103.02(c))

The Director of the Office of Campaign Finance may begin an investigation in any case in which the Director has reason to believe that information contained in the statement of a potential conflict of interest may indicate a conflict between the financial interest of the public official concerned and the performance of the public official's services for the District of Columbia government.

### **Things to Remember**

- A conflict of interest exists when a public official in the discharge of official duties, would be required to take an action or make a decision that would affect directly or indirectly the official's own financial or personal interest, a member of the public official's household, or a business with which the official or a member of the official's household is associated.
- When confronted with a conflict of interest, the public official must take the appropriate action to affect removal from the conflict of interest.

## **Campaign Finance Guide**

### **Section 12: Honoraria and Outside Income**

- What are Honoraria and Outside Income?
- Filing of Honoraria and Outside Income Disclosure Statements
- Honoraria and Outside Income Limits
- Things to Remember

#### **What are Honoraria and Outside Income?**

(DC Official Code § 1-1108.01)

Honoraria is defined as “payment of money or anything of value for an appearance, speech, or article by the public official, except that there shall not be taken into account, for purposes of the Campaign Finance Act, any reimbursement for or payment of actual and necessary travel expenses incurred.” An honorarium is considered received in the year in which the right to receive the honorarium accrues.

Outside income is defined as “any fixed payment at required intervals for services rendered, self-employment, and royalties for any publications.”

#### **Filing of Honoraria and Outside Income Disclosure Statements**

The Mayor, each member of the Council of the District of Columbia, and each member of the Board of Education are required to file the Honoraria and Outside Income Disclosure Statement annually, not later than May 15 of every calendar year in which they serve; within 90 days of the end of their service, if the filer ceases to serve prior to May 15 of any year; and within 30 days of any change in any information contained therein.

#### **Honoraria and Outside Income Limits**

(DC Code § 1-1108.01(a))

The Mayor, the Chairman of the Council, and any member of the Mayor's or the Chairman's immediate family, are prohibited from accepting royalties for the works of the Mayor or of the Chairman of the Council that exceed \$10,000.00 in the aggregate during any calendar year. A royalty is considered received during the calendar year in which the right to receive the royalty accrues.

The Mayor, the Chairman of the Council, any member of the Council or of the Board of Education, or any member of their immediate family, are prohibited from receiving honoraria exceeding \$10,000.00 in any calendar year.

Any royalty or part of a royalty, or any honorarium or part of an honorarium paid to a charitable organization by or on behalf of any of the foregoing public officials shall not be calculated as part of an aggregate total.

## **Things to Remember**

- Honoraria and Outside Income must be disclosed annually by the Mayor, the Chairman and each member of the Council, and the President and each member of the Board of Education.
- Honoraria may not exceed \$10,000.00 in any calendar year.
- The Mayor, the Chairman of the Council, and any member of their immediate families, are prohibited from receiving royalties in excess of \$10,000.00 during any calendar year for the works of the Mayor or Chairman.

## **Campaign Finance Guide**

### **Section 13: Lobbyists**

- What is a Lobbyist?
- Registration Requirements
- Reporting Requirements
- Prohibited Activities
- Things to Remember

#### **What is a Lobbyist?**

(DC Official Code § 1-1105.01)

A lobbyist is any person or group of persons communicating directly or soliciting others to do so with any official in the legislative or executive branches of the District of Columbia Government with the purpose of influencing any legislative action or an administrative decision.

#### **Registration Requirements**

(DC Official Code §§ 1-1105.02 and 1-1105.04(a))

Any person or group of persons who receive compensation or expend \$250.00 or more in any three (3) consecutive months for lobbying must register with the Director of Campaign Finance within 15 days after becoming a lobbyist, and annually on or before January 15 of each year thereafter.

#### **Reporting Requirements**

(DC Official Code § 1-1105.05)

Lobbyists must file an activity report on a biannual basis with the Office of Campaign Finance covering lobbying activities of the previous six months. Reports must include each receipt itemized by date, benefactor, and nature of transaction, amount and total expenditures in five categories. Lobbyists must list each legislative or executive official with whom they have had oral or written communications (during the reporting period) and identify any official and/or member of such official's personal staff receiving compensation in any manner from the lobbyist.

Compensation, including salaries and fees, should be prorated and reported according to the amount of time allocated to representing any District of Columbia interest. All expenditures of \$50.00 or more must be itemized by the date, name and address of the recipient, in addition to the amount and purpose of such expenditure.

#### **Prohibited Activities**

(DC Official Code § 1-1105.06)

A lobbyist registered with the Office of Campaign Finance, or anyone acting on behalf of a registrant, may not offer, give or cause to be given a gift to an official in the legislative or

executive branch or a member of the official's staff that exceeds \$100.00 in value in the aggregate in any calendar year.

No information copied from registration forms and activity reports or from lists compiled from such forms and reports shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund raising affair or for any commercial purpose. No public official shall be employed as a lobbyist while acting as a public official.

### **Things to Remember**

- Lobbyists must register annually with the Office of Campaign Finance
- Any person or group who receives or expends \$250.00 in any three (3) consecutive months for lobbying must register with the Office of Campaign Finance as a lobbyist

## **Campaign Finance Guide**

### **Section 14: Statehood Fund Program**

- Definition of Statehood Fund Program
- Limitations on the Statehood Fund
- Reporting Requirements
- Things to Remember

#### **What is the District of Columbia Statehood Fund?**

(DC Official Code § 1-123(g)(1))

A “District of Columbia Statehood Fund” is any fund established by the DC Senator or Representative to support the purposes and operations of the public office of Senator or Representative.

#### **Limitations on the Statehood Fund**

(DC Official Code § 1-123(g)(3))

The Senator or Representative may not expend monies from the Statehood fund for promoting or opposing any political party or committee, nor the nomination, election or recall of any individual to or from public office.

#### **Reporting Requirements**

(DC Code § 1-123(g)(3))

Each Senator and Representative must file a Report of Receipts and Expenditures quarterly on the first (1<sup>st</sup>) day of January, April, July and October of each year.

#### **Things to Remember**

- Only the District of Columbia Senator and Representative may establish a Statehood Fund.
- A Statehood Fund may not expend monies for political purposes.
- Each Senator and Representative is required to file a Report of Receipts and Expenditures on a quarterly basis.



## **Campaign Finance Guide**

### **Section 15: The Hatch Act**

- Definition of Hatch Act

#### **What is The Hatch Act?** (5 U.S.C. §§ 7321-7326)

Federal laws that govern the political activity of federal and District of Columbia government employees are known as the “Hatch Act.” The US Office of Special Counsel is responsible for investigating reports or complaints concerning Hatch Act violations. The Office of Campaign Finance is not responsible for enforcing The Hatch Act. For information on The Hatch Act, contact the US Office of Special Counsel, (202) 653-7188.